

REMARKS

Upon entry of the foregoing amendment, claims 25-44 are currently pending for the Examiner's consideration, with claims 25, 27, 28, and 34 being the independent claims. Claims 1-24 are sought to be cancelled, without prejudice to or disclaimer of the subject matter contained therein. Applicant respectfully submits that these changes introduce no new matter, and in this regard the Examiner is referred to the claims as originally filed, as well as for example, pages 7 and 8 of the application as originally filed.

The Examiner noted that claims 9, 10, 13-15, and 20 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. § 112 ¶ 2 and the claim objections, and to include all of the limitations of the base claim and any intervening claims. The Examiner noted that claims 6, 7, 11, and 12 would be allowable if rewritten to overcome the claim objections, and to include all of the limitations of the base claim and any intervening claims. Claims 6, 7, 9, 10-15, and 20 have been rewritten as new claims 25-34, respectively, to overcome any rejections under 35 U.S.C. § 112 ¶ 2, the claim objections, and to include all of the limitations of the base claim and any intervening claims. As such, Applicant respectfully submits that claims 25-34 are allowable. Claims 6, 9, 10, and 20 have been rewritten in independent form as new independent claims 25, 27, 28, and 34, respectively. New claims 35-44 depend directly or indirectly from independent claims 25, 27, and 28. As such, Applicant respectfully submits that new claims 35-44 are allowable as well.

Rejections Under 35 U.S.C. § 112 ¶ 2

The Examiner rejected the claims as being indefinite. Claims 1-24 have been canceled herein, thereby rendering moot this rejection. The claims have been rewritten taking into consideration the Examiner's position, and Applicant respectfully submits that the claims as presented herein fully comply with 35 U.S.C. § 112 ¶ 2.

Rejections Under 35 U.S.C. § 102

The Examiner has rejected claims 1-5, 16, and 22-24 under 35 U.S.C. § 102(a) as being anticipated by the Ho *et.al* article. Claims 1-5, 16-19, and 22-24 have been rejected under 35 U.S.C. § 102(b) as being anticipated by the Noshio *et.al* article. Claims 1-4, 8, 16-19, and 22-

24 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Lobberding *et. al.* Finally, claims 1-4, 16-19, and 21-24 have been rejected under 35 U.S.C. § 102(b) as being anticipated by the Shima *et. al.* article. Claims 1-24 have been cancelled herein, thereby rendering moot these rejections. Applicant does not admit the propriety of the foregoing rejections. However, to advance prosecution and issuance of allowable claims, Applicant has presented herein the allowable subject matter identified by the Examiner. As recognized by the Examiner, the cited documents do not disclose or suggest the polycation bioconjugates recited in claims 25-44 as presented herein.

Other Matters

The Examiner objected to the abstract because of the presence of the word “said.” The abstract has been cancelled herein, and replaced with an abstract that does not include such legal phraseology. Applicant respectfully submits that the abstract presented herein fully satisfies all requirements.

The Examiner objected to informalities in claim 1, and to improper multiple dependent form for claims 11-15. Claims 1-24 are cancelled herein, thereby rendering moot these objections. The claims have been rewritten in such a manner to overcome these objections.

CONCLUSION

Applicant respectfully submits that all of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. It is believed that a full and complete response has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

Dated: October 15, 2003

Respectfully submitted,

By


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